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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/620,171	07/19/2000	James Friskel	14706-203	2340

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EXAMINER
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BAROT, BHARAT

ART UNIT	PAPER NUMBER
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2151

DATE MAILED: 01/20/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

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**Office Action Summary**

Application No.

09/620,171

Applicant(s)

FRISKEL, JAMES

Examiner

Bharat N Barot

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 July 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 10, 11, 15 and 21 is/are rejected.
- 7) ☒ Claim(s) 4-9, 12-14, 16-20 and 22-28 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2 & 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

**Claim Rejections - 35 USC § 103(a)**

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 10-11, 15, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fleming, III (U.S. Patent No. 6,249,805) in view of Nielsen (U.S. Patent No. 6,108,688).

3. As to claim 1, Fleming, III teaches a computer program product for operating an electronic mail application on a first computer, comprising: a computer-readable storage medium including computer-readable program code for operation on the first computer and embodied in the storage medium, wherein the operation of the computer-readable program code comprises: accepting an incoming electronic mail message sent by a sender using a second computer; and providing a user interface, wherein the user interface comprises a message display including information regarding the incoming electronic mail message (see abstract; figure 1-2; and column 5 line 44 to column 6 line 17).

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However, Fleming, III does not explicitly teach the step of: displaying a status of the sender in the display.

Nielsen explicitly teaches the steps of: displaying a status of the sender in the display (see abstract; figure 2; and column 4 line 53 to column 5 line 14).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Nielsen as stated above with the computer program product for operating an electronic mail application of Fleming, III because it would have increased the efficiency and processing control to improved the communication and network latency.

4. As to claim 2, Fleming, III discloses that the storage medium is selected from the group consisting of a CD-ROM, a floppy disk, a fixed hard drive, a removable hard drive, an optical disk, and a server storage device for downloading the computer program product to a customer computer over a communications link (figure 1; and column 5 lines 44-60).

5. As to claim 3, Nielsen discloses that the electronic mail message comprises information regarding the subject of the electronic mail message (figure 2; and column 4 lines 20-52).

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6. As to claim 10, Fleming, III teaches that providing the user interface for an electronic mail application running on the first computer and the message display is an incoming message window for electronic mail (figure 1; and column 5 lines 44-60).

7. As to claim 11, it is also rejected for the same reasons set forth to rejecting claim 1 above, since claim 11 is merely an apparatus control by the computer program product for operating an electronic mail application defined in the claim 1.

8. As to claim 15, Fleming, III discloses a messaging system server in communication with the client computer (figure 1; and column 5 lines 44-60).

9. As to claim 21, it is also rejected for the same reasons set forth to rejecting claim 1 above, since claim 21 is merely a method operate by the computer program product for operating an electronic mail application defined in the claim 1.

### **Claim Objections**

10. Claims 4-6, 12-13, 16, and 22-24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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**Additional References**

11. The examiner as of general interest cites the following references.
- a. Shah et al, U.S. Patent No. 6,606,647.
  - b. Milewski et al, U.S. Patent No. 6,501,834.
  - c. Paul, U.S. Patent No. 5,999,932.

**Contact Information**

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bharat Barot whose telephone number is (703) 305-4092. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alam, Hosain can be reached at (703) 308-6662. A central official fax number is (703) 872-9306.

Any inquiry of general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 305-3900.

Patent Examiner Bharat Barot

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December 31, 2003

*Bharat Barot.*  
**BHARAT BAROT  
PRIMARY EXAMINER**